

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

OLIVER L. SANDERS, III,

Plaintiff,

Case No. 3:22-cv-291

vs.

WARDEN, SOUTHEASTERN
CORRECTIONAL INSTITUTION,

District Judge Michael J. Newman
Magistrate Judge Kimberly A. Jolson

Defendant.

**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE (Doc. No. 15); AND (2) DENYING
PETITIONER'S MOTIONS TO STAY (Doc. Nos. 7, 11)**

This case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Kimberly A. Jolson, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Doc. No. 15. Petitioner, an inmate in state custody challenging his conviction, filed two motions to stay the proceedings in this action, so that he could exhaust his state-court remedies on a new claim of ineffective assistance of appellate counsel. Doc. No. 7 at PageID 717; Doc. No. 11 at PageID 735. Petitioner did not present this new claim in his pending habeas corpus Petition and has not sought to amend his Petition. *See* Doc. No. 1. Respondent opposes both motions to stay. Doc. Nos. 8, 12. Judge Jolson recommends that these motions be denied. Doc. No. 15. No party objected to the Report and Recommendation.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation in full (Doc. No. 15); and (2) **DENIES** Petitioner's motions to stay (Doc. Nos. 7, 11). This case remains pending on the docket.

IT IS SO ORDERED.

August 18, 2023

s/ Michael J. Newman
Hon. Michael J. Newman
United States District Judge